SUPREME COURT, U. S.

Nos. 71-1016 and 71-1040

IN THE

Supreme Court of the United States

OCTOBER TERM, 1971

FEDERAL POWER COMMISSION,
Petitioner,
v.
LOUISIANA POWER & LIGHT COMPANY,
(The Injunction Proceeding)
Respondent.

FILED
FEB 28 1972

FEDERAL POWER COMMISSION,
Petitioner,
v.
LOUISIANA POWER & LIGHT COMPANY, *et al.*,
(The Curtailment Proceeding)
Respondents.

UNITED GAS PIPE LINE COMPANY AND
PENNZOIL UNITED, INC.,
Petitioner,
v.
LOUISIANA POWER & LIGHT COMPANY,
Respondent.

UNITED GAS PIPE LINE COMPANY,
Petitioners,
v.
LOUISIANA POWER & LIGHT COMPANY, *et al.*,
(FPC Opinion 606)
Respondents.

MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE IN THE INJUNCTION PROCEEDING

FRED G. BENTON, SR.
Benton & Moseley
Baton Rouge, Louisiana

ARNOLD D. BERKELEY
1819 H Street, N.W.
Suite 1200
Washington, D.C. 20006

Attorneys for State of Louisiana, Louisiana Municipal Association and the Parish of Cameron

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State of Louisiana, Louisiana Municipal Association and Parish of Cameron, Louisiana, hereby respectfully move for leave to file the attached brief as *amici curiae* in the so-called "injunction proceeding" listed in the caption above.

State of Louisiana, Parish of Cameron, are a state and a political subdivision of a state, respectively, and hence need not obtain consent to the filing of an *amicus* brief. Louis-

ana Municipal Association is a nonprofit organization of cities and towns chartered under state law, and has obtained the consent of the attorney for Louisiana Power and Light Company. The consent of the Solicitor General, as attorney for petitioner, Federal Power Commission, and of the attorney for petitioner, United Gas Pipe Line Company has been requested, in writing, concurrently.[1]

Joint movants were intervenors in the proceeding before the Federal Power Commission entitled *United Gas Pipe Line Company*, Docket Nos. RP71-29, et al., in which the Commission issued Opinion Nos. 606 and 606-A in the so-called "curtailment proceeding" which petitioners herein seek to have reviewed by this Court. Joint movants have also filed in the United States Court of Appeals for the Fifth Circuit a petition to review Opinion Nos. 606 and 606-A, C.A. 5, No. 72-1220. Movants' participation as parties in the curtailment proceeding below, and in this Court, result from the fact that the Commission's opinions and accompanying orders in said proceeding decide certain issues respecting its statutory authority to reduce the supply of gas which United Gas Pipe Line Company is obligated to furnish its jurisdictional resale and non-jurisdictional direct sale customers, in violation of rights claimed by such customers and by movants.

The Solicitor General, in his petition for certiorari, states that at least one issue that he wishes this Court to pass upon—i.e., the Commission's jurisdiction to curtail direct sales customers of an interstate pipeline in a manner inconsistent with their contract rights—is present in both the curtailment proceeding and the case from the Fifth Circuit, which he characterizes as the "collateral proceeding." Movants believe that the Fifth Circuit case is more aptly described as an "injunction proceeding," and though they have a different view of the pertinent issues before this Court than

[1] A representative of the Solicitor General has advised that such consent will be granted and the Attorney for United has orally granted such consent.

the Solicitor General, they agree that the Fifth Circuit case and the curtailment proceeding have some related issues. Accordingly, since movants' interests will be affected by the outcome of both proceedings, and since a discussion of both proceedings is necessary in order to make a meaningful response to the petition for certiorari, movants request leave from the Court to file the attached brief as *amici curiae* in the proceeding which petitioners seek to bring before this Court on review from the Fifth Circuit.

Respectfully submitted;

FRED G. BENTON, SR.
Benton & Moseley
Baton Route, Louisiana

ARNOLD D. BERKELEY
1819 H Street, N.W.
Suite 1200
Washington, D.C. 20006

Attorneys for State of Louisiana, Louisiana Municipal Association and the Parish of Cameron.